

## **REMARKS**

In the Official Action mailed on **25 January 2007**, the Examiner reviewed claims 1-27. Claims 1-9 were rejected under 35 U.S.C. §101 because the subject matter is directed to non-statutory subject matter. Claims 1-27 were rejected under 35 U.S.C. §102(b) as being anticipated by Hermann (EPO Pub No EP1024626A1, hereinafter “Hermann”).

### **Rejections under 35 U.S.C. §101**

Claims 1-9 were rejected because the subject matter is directed to non-statutory subject matter.

Applicant has amended independent claim 1 to replace “a computer controlled method” in the preamble to “a method for facilitating secure communication between two network devices.” Hence, claim 1 is now directed to a useful, tangible, and concrete method comprising a sequence of steps, which is not a program. No new matter has been added.

### **Rejections under 35 U.S.C. §102(b)**

Independent claims 1, 10, and 19 were rejected as being anticipated by Hermann.

Applicant respectfully points out that the Hermann system does not a communication channel with a demonstrative identification property and an authenticity property between two devices.

Specifically, claims 5, 14, and 23 teach that the situation notification device and the provisioning device communicate with each other through a preferred channel, and this preferred channel has **both a demonstrative identification property and an authenticity property**. More specifically, the demonstrative identification property of the preferred channel requires that identifying a device for communication be based on a physical demonstration, for

example, “the printer in front of me” or “that device that I am touching (see paragraph [0052] of the instant application).” On the other hand, the authenticity property of the preferred channel ensures that it is impossible or difficult for an attacker to transmit over the preferred channel or tamper with messages sent over the preferred channel without detection by the legitimate parties to the communication (see paragraph [0053] of the instant application).

Examiner points out that Hermann disclose the above limitation in paragraph 0027. However, paragraph 0027 merely recites: “If the serving device signalizes the reception of the sequence from the personal device, then the advantage occurs, that the user gets a feedback and knows that the serving device is ready for further communication. This can be indicated by an optical and/or acoustical signal that is given by a lamp, a LED, or a loudspeaker.”

Applicant respectfully points out that paragraph 0027 in Hermann as quoted above does not describe properties of a communication channel between **two devices**, i.e., the serving device and the personal device. It merely discloses **an acknowledging method** which informs the **user** that information is received by using “a lamp, a LED, or a loudspeaker.” Moreover, paragraph 0027 of Hermann does not mention anything about an authenticity property of a communication channel. There is nothing within Hermann, either explicitly or implicitly, that suggests using a communication channel having both a demonstrative identification property and an authenticity property between two devices.

Accordingly, Applicant has amended independent claims 1, 10, and 19 to incorporate all the limitations of claims 5, 14, and 23, respectively. Claims 5, 14, and 23 are hence canceled without prejudice. No new matter has been added.


Hence, Applicant respectfully submits that independent claims 1, 10, and 19 as presently amended are in condition for allowance. Applicant also submits that claims 2-4 and 6-9, which depend upon claim 1, claims 11-13 and 15-18, which depend upon claim 10, and claims 20-22 and 24-27, which depend

upon claim 19, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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